WP. 731/05

WP 8104/03
OA 709/1993

IN THE STATE ADMINISTRATIVE TRIBUNAL : ~~JABALPUR~~

O.A.NO. 709 /1993 (3)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985.

1. APPLICANT : Yaduraj Patel aged 35 years
S/o Shri Chhavilal Patel
Ex-Secretary, Gram Panchayat
Usraut, Tahsil & Distt. Raigarh.

2. RESPONDENTS : 1. State of M.P. through Secretary, Deptt. of Panchayat Bhopal.

2. District Panchayats & Welfare Officer, Raigarh.

3. Up-Sanchalak, Panchayats and Samaj-Sewa, Raigarh.

4. Kanhaiya lal Patel, Gram-Sahayak, attached to Vikas-Khand, Manindragarh, Distt. Sarguja.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S.) No.731 of 2005

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

Yaduraj Patel

Vs.

State of M.P. and others

PRESENT: -

Shri R.K. Pandey, counsel for the petitioner.

Shri V.V. S. Moorthy, Deputy Advocate General with Shri I.N. Shrivastava, Panel lawyer for the State.

ORAL ORDER

(22nd August, 2006)

1. Learned counsel for the petitioner submits that the petitioner was appointed as Part Time Secretary by order dated 17.7.1978 (Annexure P/1) on payment of Rs. 25/- per month and thereafter his appointment on part time basis was approved.

2. According to learned counsel for the petitioner, the petitioner has continued to work till 13.11.1992, thereafter, without any order, the petitioner was discontinued from the service. However, the Block Development Officer, Raigarh in his report dated 24.9.1983 (Annexure R/2) has reported

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that the petitioner has worked for 8 months and 14 days, as stated in the reply filed by the respondents No. 1 to 3.

3. Be that as it may, it seems that the appointment of the petitioner was part time, not against any regular vacancy and not in accordance with the constitutional scheme or law.

4. In view of the decision of a constitutional Bench of Hon'ble the Supreme Court in the case of Secretary, State of Karnataka and others Vs. Umadevi (3) and others {(2006) 4 Supreme Court Cases 1}, the petitioner has no right for reappointment. A writ of mandamus, as prayed for by him, cannot be issued in the facts of the case.

5. Accordingly, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu